

LEGISLATIVE BILL 194

Approved by the Governor February 6, 2001

Introduced by Dierks, 40; Wehrbein, 2

AN ACT relating to agriculture; to amend sections 2-3948 and 2-3952 to 2-3954, Reissue Revised Statutes of Nebraska; to change membership provisions of the Nebraska Dairy Industry Development Board; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 2-3948, Reissue Revised Statutes of Nebraska, is amended to read:

2-3948. Sections 2-3948 to 2-3964 and section 3 of this act shall be known and may be cited as the Dairy Industry Development Act.

Sec. 2. Section 2-3952, Reissue Revised Statutes of Nebraska, is amended to read:

2-3952. (1) Within thirty days after July 15, 1992, each preceding the expiration of the term of a member of the board or within thirty days after a member of the board vacates his or her position on the board, the first purchaser of milk who nominated such member shall give written notice to each producer from whom the purchaser purchases milk ~~of~~ to request the nomination by the producer of candidates for appointment to the board. The notice shall provide that each producer is entitled to nominate producers who sell milk to such first purchaser of milk. All such nominations shall be in writing, shall contain an acknowledgment and consent by the person being nominated, and shall be returned to the first purchaser of milk within fifteen days after expiration of such thirty days.

(2) Each first purchaser of milk shall, within thirty days after expiration of the fifteen-day period stated in subsection (1) of this section, submit to the Governor the names of two nominees for each ~~one hundred fifty~~ milk production units from which the purchaser purchases milk, which nominees shall meet the qualifications provided in section 2-3951. A first purchaser of milk which purchases milk from less than ~~one hundred fifty~~ milk production units may combine those units with the units of any one or more other first purchasers of milk, and such combination shall be entitled to nominate two candidates for each ~~one hundred fifty~~ milk production units so combined, except that if the combined number of milk production units of such combined first purchasers of milk is still less than ~~one hundred fifty~~, such combination shall be entitled to nominate two candidates.

(3) The Governor shall, within thirty days after the expiration of the thirty-day period provided in subsection (2) of this section, appoint the members of the board as provided in section 2-3953.

Sec. 3. Within forty-five days after August 1, 2001, each first purchaser of milk shall submit to the Governor the names of two additional nominees for each one hundred milk production units from which the purchaser purchases milk. Notices to producers and nominations from producers shall be in accordance with subsection (1) of section 2-3952. The nominees shall meet the qualifications provided in section 2-3951. A first purchaser of milk which purchases milk from less than one hundred milk production units may combine those units with the units of any one or more other first purchasers of milk, and such combination shall be entitled to nominate two additional candidates for each one hundred milk production units so combined, except that if the combined number of milk production units of such combined first purchasers of milk is still less than one hundred, such combination shall be entitled to nominate two additional candidates. The Governor shall, by October 15, 2001, appoint additional members of the board as provided in section 2-3953.

Sec. 4. Section 2-3953, Reissue Revised Statutes of Nebraska, is amended to read:

2-3953. (1) The Governor shall appoint to the board a number of members equal to one-half the number of nominees submitted by first purchasers of milk. Members of the board shall, as nearly as possible, be representative of the nominees submitted by all first purchasers of milk in the state. The Governor may choose the members of the board from among the nominees submitted under section 2-3952 and section 3 of this act or reject all nominees. If the Governor so rejects all nominees, names of nominees shall again be provided to the Governor pursuant to such section.

(2) The terms of the members of the board shall be three years, except that the terms of the initial and additional members of the board shall

be staggered so that one-third of the members are appointed for terms of one year, one-third for terms of two years, and one-third for terms of three years, as determined by the Governor. Once duly appointed and qualified, no member's term shall be shortened or terminated by any subsequent certification by the Department of Agriculture of milk production units from which a first purchaser of milk purchases milk.

(3) The Director of Agriculture or his or her designee and a designee of the Nebraska Dairy Industry Association or its successor may participate in the activities of the board as ex officio members.

(4) Members of the board shall elect from among the members a chairperson, a vice-chairperson, and such other officers as they deem necessary and appropriate.

Sec. 5. Section 2-3954, Reissue Revised Statutes of Nebraska, is amended to read:

2-3954. (1) As the terms of the ~~initial~~ members of the board expire, their successors shall be nominated as provided in section 2-3952 and appointed by the Governor as provided in section 2-3953. ~~in the same manner as initial members.~~ Members whose terms have expired shall continue to serve until their successors are appointed and qualified.

(2) A vacancy on the board shall exist in the event of the death, disability, or resignation of any member, when a member ceases to be a resident of Nebraska, or when a member ceases to be a producer in Nebraska.

(3) In the event of a vacancy, the board shall certify to the first purchasers of milk who nominated the member that such a vacancy exists and shall request nominations in accordance with section 2-3952 of candidates who meet the qualifications provided in section 2-3951 to fill the vacancy for the remainder of the unexpired term. Appointment shall be by the Governor as provided in section 2-3953.

(4) By the appointment of additional members as provided in section 3 of this act, the membership of the board shall be maintained to approximate one member for each fifty milk production units.

(5) Members of the board shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 6. Original sections 2-3948 and 2-3952 to 2-3954, Reissue Revised Statutes of Nebraska, are repealed.